

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et
al.*,

Debtors.

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO SALES TAX FINANCING
CORPORATION,

Debtor.

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

PROMESA

Title III

No. 17 BK 3284-LTS

**URGENT JOINT MOTION BY THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD AND THE GMS GROUP, LLC REQUESTING EXTENSION OF TIME UNTIL
JANUARY 15, 2019 AT 12:00 PM TO FILE INTERROGATORIES WITH THE COURT,
IF NEEDED**

To the Honorable United States District Court Judge Laura Taylor Swain:

The Puerto Rico Sales Tax Financing Corporation (“COFINA” or the “Debtor”), as a debtor in the above-captioned Title III case, by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the Debtor’s representative pursuant to section 315(b) of the Puerto Rico Oversight, Management, and Economic Stability Act (“PROMESA”) and the GMS Group, LLC (“GMS” or “Secured Creditor”), respectfully submit this joint urgent motion for an extension of time to file interrogatories with the Court, if

needed:

Jurisdiction and Venue

1. The United States District Court for the District of Puerto Rico (the “Court”) has subject matter jurisdiction over this matter pursuant to PROMESA § 306(a).
2. Venue is proper pursuant to PROMESA § 307(a).

Background

3. On October 19, 2018, the Oversight Board filed the Title III Plan of Adjustment of Puerto Rico Sales Tax Financing Corporation [Case No. 17-3284, ECF No. 309] (the “Original Plan”). Subsequent to the filing of the Original Plan, the Debtor continued discussions with various parties to resolve certain outstanding issues or objections. On November 16, 2018, the Debtor filed the Amended Title III Plan of Adjustment of Puerto Rico Sales Tax Financing Corporation [Case No. 17-3284, ECF No. 352] (the “First Amended Plan”) incorporating certain modifications to address such outstanding issues or objections.

4. On November 26, 2018, the Debtor filed the Second Amended Title III Plan of Adjustment of Puerto Rico Sales Tax Financing Corporation [Case No. 17-3284, ECF No. 367] (as corrected on November 30, 2018, Case No. 17-3284, ECF No. 377, the “Second Amended Plan”), incorporating certain modifications after discussions with a number of parties, and thereafter, on January 9, 2019, filed the Third Amended Title III Plan of Adjustment of Puerto Rico Sales Tax Financing Corporation.

5. The GMS Group filed certain Objections and Joinders opposing the approval of the Second Amended Plan of Adjustment.

6. As part of the confirmation/objection process, each of the Parties served a set of interrogatories upon each other. The GMS Group served its interrogatories on January 3, 2019 and the Oversight Board served theirs on January 6, 2019.

7. Between January 6-7, 2019, the parties conferred and agreed to acknowledge service of each other's interrogatories and serve their respective responses to the abovementioned interrogatories no later than January 14, 2019 at 5:00pm AST.

8. On January 9, 2019 this Honorable Court entered an "Order Regarding Procedures For Attendance, Participation And Observation Of January 16, 2019 Hearing Regarding (1) The 9019 Settlement Approval Motion, (2) COFINA Plan Of Adjustment Confirmation Motion, And (3) Dispute Regarding Section 19.5 Of Plan". Dkt. 4647.

Relief Requested

9. The Order states that "*[a]ny proponent of or timely objector to any Hearing Matter who wishes to proffer additional exhibits relating to cross-examination or rebuttal testimony is hereby directed to mark, designate, and file such evidentiary materials on CM/ECF no later than January 14, 2019 at 12:00 p.m. (Atlantic Standard Time).*" (Emphasis added.)

10. The Parties will be serving their respective answers after said deadline.

11. Accordingly, the Parties jointly request that the Court grant until January 15, 2019 at 12:00 pm (Atlantic Standard Time) to file said interrogatories in the event that either Party wishes to submit them to the Court for use at the hearing on January 16, 2019.

12. The Oversight Board and the GMS Group each hereby certifies that there is a true need for urgent relief and that such urgency was not created through any lack of due diligence.

13. No prior request for the relief sought in this Urgent Motion has been made to this or any other court.

WHEREFORE, the Oversight Board and the GMS Group respectfully request that the Court enter the Proposed Order attached hereto as Exhibit A, granting the parties until January 15, 2019 at 12:00pm AST to file with the Court the Interrogatories and Answers to the Interrogatories, if needed, along with any complementary documents.

Dated: New York, New York

January 9, 2019

/s/ Martin J. Bienenstock

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EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

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**ORDER GRANTING URGENT JOINT MOTION BY THE
FINANCIAL OVERSIGHT AND MANAGEMENT BOARD AND
THE GMS GROUP, LLC REQUESTING EXTENSION OF TIME UNTIL
JANUARY 15, 2019 AT 12:00PM TO FILE INTERROGATORIES WITH THE COURT, IF
NEEDED**

On this day came on for consideration the *Urgent Joint Motion by the Financial Oversight and Management Board and the GMS Group, LLC Requesting Extension of Time Until January 15, 2019 at 12:00 pm (AST) to File Interrogatories with the Court* (the “Urgent Motion”). The Court having found it has subject matter jurisdiction over this matter pursuant to section 306(a) of PROMESA; and it appearing that venue in this district is proper pursuant to section 307(a) of PROMESA; and the Court having found that the Oversight Board and the GMS Group having provided adequate and appropriate notice of the Urgent Motion under the circumstances and that no other or further notice is required; and upon the record

herein, after due deliberation thereon, the Court having found that good and sufficient cause exists for the granting of the relief as set forth herein:

IT IS HEREBY ORDERED THAT:

1. The Urgent Motion is GRANTED as set forth herein.
2. The Financial Oversight and Management Board and the GMS Group, LLC. are granted until January 15, 2019 at 12:00pm AST to file their respective interrogatories, the answers thereto and any complementary documents attached to the same, if needed.
3. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

SO ORDERED.

In San Juan, Puerto Rico, on _____, 2019.

Honorable Laura Taylor Swain
United States District Judge